IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 13TH FEBRUARY 2007 / 24TH MAGHA 1928

Crl.MC.No. 358 of 2007()

C.C.NO.1075/2000 BEFORE THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE COURT, ERNAKULAM

PETITIONER:

K.S.REMADEVI, W/O.CHANDRA DUTH,
RAM NIVAS, KUTHIYATHODU P.O.,
CHERTHALA

BY ADV. SMT.C.S.SHEEJA

RESPONDENTS:

---

1. STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM

2. KUNJANNAMMA KOSHY,
39/2, PANAMPPILLY NAGAR,
ERNAKULAM

BY PUBLIC PROSECUTOR, SRI GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 13/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.358 of 2007

Dated this the 13th day of February 2007

O R D E R

The petitioner, a woman, faces indictment in a prosecution under Section 138 of the Negotiable Instruments Act. Cognizance has been taken. According to the petitioner, summons was never served on her. The learned Magistrate has issued coercive process to secure the presence of the petitioner. On coming to know that, the petitioner submits, she is willing to appear before the learned Magistrate. She apprehends that the learned Magistrate may not consider her application for bail on merits, in accordance with law and expeditiously. She has hence come to this court with the prayer that powers under Section 482 Cr.P.C may be invoked to issue appropriate directions.

2. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate, the circumstances under which she could not earlier appear before the learned Magistrate.

3. I find absolutely no reason to assume that the learned Magistrate would not consider the application for bail to be filed

by the petitioner on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific directions appear to be necessary. Sufficient general directions have been issued in Alice George vs. Deputy Superintendent of Police [2003(1)KLT 339].

4. In the result, this Crl.M.C is dismissed but with the specific observation that if the petitioner surrenders before the learned Magistrate and applies for bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously - on the date of surrender itself unless there are compelling reasons.

Hand over copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006